

REMARKS

Summary of the Office Action

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,040,068 to Parulski et al. (hereinafter "Parulski").

Summary of the Response to the Office Action

Applicant has amended claims 1 and 6 to more clearly define the invention. Accordingly, claims 1-6 and 8-11 are pending for further consideration.

Attached hereto is a marked-up version of the changes made by the current amendment. The attached pages are captioned "**Version with markings to show changes made.**"

The Rejections under 35 U.S.C. §102(b)

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Parulski. To the extent that the Examiner may consider the rejections to apply to the newly amended claims, the rejections are traversed as being based upon references that neither teach nor suggest the novel combination of features now clearly recited in newly amended claims 1 and 6, and hence dependent claims 2-5 and 8-11.

Newly-amended independent claims 1 and 6, and hence dependent claims 2-5 and 8-11, recite a combination of elements including at least a recited feature of "the image processing conditions being set to reproduce uniform images regardless of the kinds of digital cameras." Applicant respectfully submits that Parulski does not teach or suggest such a feature.

The Office Action, referring to lines 57-68 of column 5 of Parulski, alleges that Parulski teaches or suggests the limitations of image processing conditions, as claimed. Applicant respectfully disagrees.

In contrast to Applicant's claimed invention, the cited portion of Parulski merely discloses a signal processing section 84 for carrying out processing of the digital signals and the processing of the digital signals includes some image processing conditions such as color separation, white balance, gamma correction, image compression and the like. However, Applicant respectfully submits that these image processing conditions of Parulski are set to reproduce different images according to the kinds of image pickup units, and not set to "reproduce uniform images regardless of the kinds of digital cameras," as recited by newly-amended independent claims 1 and 6.

Accordingly, for at least these reasons, Applicant respectfully asserts that the rejections under 35 U.S.C. §102(b) should be withdrawn because the applied reference does not teach or suggest each and every feature of independent claims 1 and 6. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicant respectfully asserts that the rejections of dependent claims 2-5 and 8-11 should also be withdrawn at least because of their dependencies from respective independent claims 1 and 6 and for the reasons set forth above.

With no other rejection pending, Applicant respectfully asserts that claims 1-6 and 8-11
are allowable.

CONCLUSION

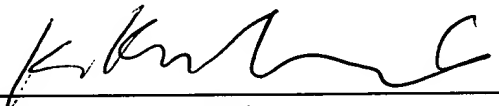
In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1 and 6 have been amended as follows:

1. (Thrice Amended) An image processing method for carrying out image processing on digital image signals, which have been acquired with different kinds of digital cameras, the method comprising the steps of:

reading the digital image signals;

receiving camera kind information, which represents the different kinds of digital cameras;

recording condition information, which represents image processing conditions for the different kinds of digital cameras, the image processing conditions including values for at least one of gradation correction and color correction of the digital image signals, **the image processing conditions being set to reproduce uniform images regardless of the kinds of digital cameras;**

selecting optimum image processing conditions from the condition information, in accordance with the camera kind information; and

carrying out image processing on the digital image signals under the selected optimum image processing conditions.

6. (Thrice Amended) An image processing apparatus for carrying out image processing on digital image signals, which have been acquired with different kinds of digital cameras, the apparatus comprising:

input means for reading the digital image signals and receiving camera kind information, which represents the different kinds of digital cameras;

recording means for recording condition information, which represents image processing conditions for the different kinds of digital cameras, the image processing conditions including values for at least one of gradation correction and color correction of the digital image signals, **the image processing conditions being set to reproduce uniform images regardless of the kinds of digital cameras;**

selection means for selecting optimum image processing conditions from the condition information, in accordance with the camera kind information; and

image processing means for carrying out image processing on the digital image signals under the selected optimum image processing conditions.